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Craig Mowry

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EXAMINER

DURAN, ARTHUR D

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/808,538	<b>Applicant(s)</b> MOWRY, CRAIG	
	<b>Examiner</b> Arthur Duran	<b>Art Unit</b> 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 90-159 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 90-159 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/19/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 90-159 have been examined.

#### ***Response to Amendment***

2. The Amendment filed on 1/30/09 is sufficient to overcome the prior rejection. However, a new 103 rejection has been made.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/19/09 has been entered.

#### ***Claim Objections***

Claims 139, 141 are objected to. These claims are exact duplicates of each other. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 118-120, 153-155; 116, 151; and 113-115, 148-150 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention. Examiner could not find in the Specification where the transmitting occurs before the generating, or where the steps are described as occurring at the same time or, alternatively, at different times.

Claims 106, 140 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Examiner could find no example in the Applicant's Specification where no one in the first demographic is also within in the second demographic.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 90-159 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boe (6,236,975).

Claim 90, 124, 158: Boe discloses a method for searching for information via a network comprising the steps of:

(a) storing, on one or more processor readable media that are operatively coupled to one or more processors, at least one database comprising:

(i) electronic trait information comprising information representing traits of a plurality of persons (Figures 2, 5a, 6a, 6b, 6c; claim 4);

(ii) electronic preference information comprising information representing preferences of the plurality of persons (Figures 2, 5a, 6a, 6b, 6c; claim 4); and

(iii) electronic advertiser relevant information comprising information related to one or more of products and services associated with one or more advertisers and further related to at least one of trait and preference valued by at least one of the one or more advertisers (Figure 6a, 6b, 2);

(b) receiving, via a communication device that is operatively connected to the one or more processors, a first electronic request for information, from a first user computing device operated by a first user, about at least one person within a first demographic, wherein the first demographic is defined by at least a first group of one or more of traits and preferences stored in the at least one database (Figure 43, item 522, “The largest portion of people in your peer groups have rented for 3 to 5 years, and forsee purchasing a home in 1 to 2 years”; Figure 4f, “Play What Ifs!”; Figure 4f, “The largest portion of your peers have their retirement funds invested in other...”; Figures 4a, 4b, 4c, 4d, 4e, 4f; 5:4-10);

(c) determining, by the one or more processors, first electronic responsive information that comprises information which is at least responsive to the first electronic request (Figure 43, item 522, “The largest portion of people in your peer groups have rented for 3 to 5 years, and forsee purchasing a home in 1 to 2 years”; Figure 4f, “The largest portion of your peers have their retirement funds invested in other...”; Figures 4a, 4b, 4c, 4d, 4e, 4f);

(d) transmitting, via the communication device to the first user computing device, the first electronic responsive information (Figure 43, item 522, “The largest portion of people in your peer groups have rented for 3 to 5 years, and forsee purchasing a home

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in 1 to 2 years”; Figure 4f, “The largest portion of your peers have their retirement funds invested in other...”; Figures 4a, 4b, 4c, 4d, 4e, 4f);

(f) transmitting, via the communication device, to the first user computing device, the first electronic fact information (Figure 43, item 522, “The largest portion of people in your peer groups have rented for 3 to 5 years, and forsee purchasing a home in 1 to 2 years”; Figure 4f, “The largest portion of your peers have their retirement funds invested in other...”; Figures 4a, 4b, 4c, 4d, 4e, 4f).

In further regards to claim 158, Boe discloses utilizing a website (Figure 4b).

Boe further discloses (e) generating, by the one or more processors, first electronic fact information in case electronic trait information and electronic preference information associated with the first user corresponds with the at least one of trait and preference valued by the at least one of the one or more advertisers (6:45-7:10), wherein the first electronic fact information relates to the first electronic responsive information and further relates to a second demographic defined by at least a second group of one or more of traits and preferences stored in the at least one database (Figure 43, item 522, “The largest portion of people in your peer groups have rented for 3 to 5 years, and forsee purchasing a home in 1 to 2 years”; Figure 4f, “The largest portion of your peers have their retirement funds invested in other...), and further wherein at least one trait or preference of the second demographic is not included in the first demographic defined by the first request for electronic information (Figure 43, item 522, “The largest portion of people in your peer groups have rented for 3 to 5 years, and

forsee purchasing a home in 1 to 2 years”; Figure 4f, “The largest portion of your peers have their retirement funds invested in other...).

Boe does not explicitly that the first electronic fact information is generated using the advertiser relevant information.

However, Boe discloses presenting advertiser related information as the user searches (6:45-7:10). Boe further discloses the advertiser related information of Fig. 6b (Fig. 6b.). Therefore, it is obvious that when the user enters a particular demographic profile for searching, that the product probability profile of Fig. 6b (Fig. 6b) that is linked to particular demographic profiles can be displayed. And, the product probability profile functions as a fact that is related to advertiser relevant information.

Alternatively/additionally, Boe discloses presenting advertiser related information as the user searches (6:45-7:10). Boe discloses comparison statements where user search parameters can be used to find out other information of interest to the user (Fig 4e, item 532, “The largest portion of people in your peer groups have rented for 3 to 5 years, and forsee purchasing a home in 1 to 2 years”; 11:55-12:10.) And, Boe discloses that advertiser information can be related to the search parameter information or survey information or user demographic information (6:45-7:10; Figs. 4a-4f; Figs. 6a-6d). And, Boe discloses that probability of purchase profiles for particular products and particular user profiles are known and can be displayed (Fig. 6b).

Therefore, it is obvious that when the user enters a particular demographic profile for searching, that the product probability profile of Fig. 6b (Fig. 6b) that is linked to particular demographic profiles can be displayed. Hence, it would have been obvious to

one having ordinary skill in the art at the time the invention was made that the comparison statement or fact presented to the user can be related to advertising or related to the product probability profiles for particular demographic combinations. One would have been motivated to do this in order to present further information of interest to the user.

Claim 91, 125. Boe renders obvious the method of claim 90, wherein the method for searching is performed on at least one selected from a group consisting of: at least one wide area network, at least one local area network, and the Internet (Figure 4b).

Claim 92, 126, 159. Boe renders obvious the method of claim 90, further comprising the steps of: (g) determining, by the one or more processors, second electronic fact information that comprises information related to at least one or more of traits and preferences of the first demographic; and (h) transmitting, via the communication device, to the first user computing device, the second electronic fact information (6:45-7:10; Figs. 4a-4f, 6a-6d). Boe discloses that multiple facts can be presented.

Claim 93, 127: Boe renders obvious the method of claim 90, wherein the first electronic fact information further comprises a second electronic request for information valued by the at least one of the one or more advertisers (6:64-69; Figs 4a-4f). Note that Boe can repeat the searches with different parameters and also run multiple what if scenarios.

Claim 94, 128. Boe renders obvious the method of claim 93, further comprising the step of: (g) receiving, via the communication device, second electronic responsive



information, from the first user computing device operated by the first user, wherein the second electronic responsive information is at least responsive to the second electronic request. (6:64-69; Figs 4a-4f). Note that Boe can repeat the searches with different parameters and also run multiple what if scenarios.

Claim 95, 129. Boe does not explicitly disclose the method of claim 90, wherein the advertiser relevant information is paid for by the at least one of the one or more advertisers. However, Boe discloses advertisers and advertisements (6:45-7:10). And, Examiner take Official Notice that advertisers can pay for advertisement related information. One would be motivated to do this because ads and ad related information are often paid for by advertisers to generate revenue for a host or service or content provider.

Claim 96, 130. Boe does not explicitly the method of claim 90, wherein the first electronic fact information is paid for by the at least one of the one or more advertisers. However, Boe discloses advertisers and advertisements (6:45-7:10) and reports (Fig. 6c). And, Examiner take Official Notice that advertisers can pay for advertisement related information. One would be motivated to do this because ads and ad related information are often paid for by advertisers to generate revenue for a host or service or content provider.

Claim 97, 131. Boe renders obvious the method of claim 90, wherein the first electronic fact information further comprises at least one statement of fact that comprises at least one trait or preference from the second demographic that relates to

at least one brand of good or service associated with the one or more advertisers (Figs. 6a-6d).

Claim 98, 132. Boe renders obvious the method of claim 90, wherein at least one of the first electronic responsive information and first electronic fact information comprises a link to a website operated by the one or more advertisers in connection with the advertiser relevant information (6:64-69).

Claim 99, 133. Boe renders obvious the method of claim 90, wherein the generating of step (e) further comprises correlating the electronic trait information and the electronic preference information associated with the first user with the at least one of trait and preference valued by the at least one of the one or more advertisers (6:45-7:10).

Claim 100, 134. Boe renders obvious the method of claim 99, wherein the electronic trait information and the electronic preference information associated with the first user is stored in the at least one database (Fig. 2; 6:45-7:10).

Claim 101, 135. Boe renders obvious the method of claim 99, wherein at least one of the electronic trait information and the electronic preference information associated with the first user is identified in response to electronic information provided from the first user computing device (6:45-7:10).

Claim 102, 136. Boe renders obvious the method of claim 90, wherein at least some of the first electronic fact information is provided electronically by an advertiser (Figs. 6a-6d).

Claim 103, 137. Boe renders obvious the method of claim 90, wherein the first electronic fact information further comprises editorial comments with Internet links (4:30-39; 5:40-55; 6:10-30).

Claim 104, 138. Boe renders obvious the method of claim 90, wherein at least one person within the first demographic is not within the second demographic. (Fig. 43, item 532). There are people who rented for 3 to 5 years but also are not in the search parameters the user originally entered.

Claim 105, 139, 141. Boe renders obvious the method of claim 90, wherein at least one person within the first demographic is within the second demographic (Figs. 4a-4f).

Claim 106, 140. Boe renders obvious the method of claim 90, wherein no person within the first demographic is within the second demographic (Fig. 6b). Boe shows that in the Profile Description of Fig. 6b that none of the demographic criteria have to overlap between different profile numbers. Hence, Boe can display result sets with demographics that do not overlap.

Claim 107, 142. Boe renders obvious the method of claim 90, wherein at least one trait or preference of the second demographic is included in the first demographic (Figs. 4a-4f).

Claim 108, 143. Boe renders obvious the method of claim 90, wherein at least one trait or preference in the second group is not relevant to the at least one of trait and preference valued by the at least one of the one or more advertisers (Figs 2; 4a-4f; 6a-

6d). Note that the advertiser can pick which attributes matter. And, any of the traits can be searched on. Hence, a trait of the result set need not be relevant to the advertiser.

Claim 109, 144. Boe renders obvious the method of claim 90, wherein at least one trait or preference in the second group is relevant to the at least one of trait and preference valued by the at least one of the one or more advertisers (Figs 2; 4a-4f; 6a-6d; 6:45-7:10).

Claim 110, 145. Figs 2; 4a-4f; 6a-6d method of claim 90, wherein the transmitting steps of steps (d) and (f) occur at substantially the same time (Fig. 4e).

Claim 111, 146. Boe does not explicitly disclose the method of claim 90, wherein the transmitting steps of steps (d) and (f) occur at different times. However, since Boe discloses determining a result set and Boe also disclose presenting comparison statements/advertiser information (6:45-7:10 and also see rejection above), it is obvious that Boe can present a result set independent of a comparison statement/advertiser information. One would be motivated to do this to focus on the information of interest to the user.

Claim 112, 147. Boe renders obvious the claim 90, wherein the transmitting steps of steps (d) and (f) are combined as a single operational step (Fig. 4e).

Claim 113, 148. Boe renders obvious the method of claim 90, wherein the determining and generating steps of steps (c) and (e), respectively, are performed at substantially the same time (Figs. 4a-4f).

Claim 114, 149. Boe renders obvious the method of claim 90, wherein the determining and generating steps of steps (c) and (e), respectively, are performed at different times (see the rejection of claim 111 above).

Claim 115, 150. Boe renders obvious the method of claim 90, wherein the determining and generating steps of steps (c) and (e), respectively, are combined as a single operational step (Figs 4a-4f).

Claim 116, 151. Boe renders obvious the method of claim 90, wherein at least one of the transmitting steps of steps (d) and (f) is performed prior to the generating step of step (e) (see the rejection of claim 111 above).

Claim 117, 152. Boe renders obvious the method of claim 90, wherein at least one of the transmitting steps of steps (d) and (f) is performed subsequent to the generating step of step (e) (Figs 4a-4f).

Claim 118, 153. Boe does not explicitly disclose the method of claim 92, wherein the steps of (g) and (h) occur before the step of (e). However, it is obvious that the order of transmitting can be varied. One would be motivated to do this to present the data of most interest to the user at the opportune time.

Claim 119, 154. Boe does not explicitly disclose the method of claim 92, wherein the steps of (g) and (h) occur after the step of (e). However, it is obvious that the order of transmitting can be varied. One would be motivated to do this to present the data of most interest to the user at the opportune time.

Claim 120, 155. Boe does not explicitly disclose the method of claim 92, wherein the steps of (g) and (h) occur after the step of (f). However, it is obvious that the order

of transmitting can be varied. One would be motivated to do this to present the data of most interest to the user at the opportune time.

Claim 121, 156. Boe renders obvious the method of claim 90, wherein the first electronic fact information further comprises information which has not been requested by the first user computing device (Figs. 4a-4f).

Claim 122, 157. Boe renders obvious the method of claim 90, wherein the at least one person within the second demographic is a type of person having at least one of the traits or preferences defined in the second demographic (Figs. 4a-4f).

Claim 123. Boe renders obvious the method of claim 90, wherein the at least one person within the second demographic is one or more particular person (Fig 6b, "Customer Identification Number" table, "And So On", "Individuals..." ). Hence, Boe can return individual customer information of relevance.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection above.

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

aa) Bieganski (6,321,221) discloses matching similar users and serendipity recommendations;

aaa) Joao 2001/0056374 discloses surveys and product recommendations;

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a) Bergh (6,112,186) discloses matching similar users;

c) Goldhaber (5,794,210) discloses a user demographic database;

d) Messina (2003/0061215) discloses users searching for users with similar characteristics:

“[0006] Another related problem is that the planetary scope of the Internet makes it difficult for users to find and communicate with other users who share interests in similar kinds of information. Websites, chat rooms, and forums devoted to particular topics, such as health, have emerged in recent years. However, the information shared through these websites, chat rooms, and forums is too often sparse and of poor quality, since many participants behave as spectators and do not actively contribute information. Moreover, direct competition between the websites, chat rooms, and discussion forums for users generally leads to smaller, fragmented communities of users, thwarting development of larger aggregate communities”.

e) Dalal (2002/0065894) discloses users searching for users with similar characteristics:

“[0003]...Users can create a personal network using search engines to locate others with similar backgrounds and/or interest. Current instant messaging systems use presence servers, but these are limited in that they do not all support the variety of terminal devices that may be employed by a customer of the service”.

f) MacNaughton (6,020,884) discloses users searching for users with similar characteristics:

“(22) The present invention allows Web users to form on-line relationships with Community members, to communicate with others of similar interest or backgrounds, and to view Community content. The Communities of the present invention may serve as a starting or focal point for Web navigating. The present invention provides a structure for a Web experience and helps users avoid being overwhelmed or overloaded by the complexity of the Web. The features and benefits of the present invention may be better understood by referring to the following description in conjunction with the accompanying drawings.

(17). .. A membership capability may include functions that support listing (list of members currently participating in a community), profile (access member profile data), modify (personal profile data), and search (community membership), etc”.

g) Sutcliffe (6,052,122) discloses users searching for users with similar characteristics:

“(13) As the popularity of the Internet has increased, some newspapers and other print publications now provide personal advertisements on various web sites. One such example is an on-line personal advertisement system having a plurality of users. Each user selects a set of criteria, such as height, body type, and interests, that must be met by another user. Upon request of a user,



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the system searches the database for other users that meet the criteria of the requesting user. In this way, a list of potential candidates is provided that the user may have an interest in contacting to begin a relationship or engage in activities of mutual interest”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571)272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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